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KHORSANDI PATENT LAW GROUP,  
A.L.C.  
140 S. LAKE., SUITE 312  
PASADENA CA 91101-4710

**MAILED**

**FEB 10 2011**

**OFFICE OF PETITIONS**

In re Application of	:	DECISION ON REQUEST
Bilibin et al.	:	FOR RECONSIDERATION OF
Patent Number: 7,818,267	:	PATENT TERM ADJUSTMENT
Issue Date: 10/19/2010	:	and
Application No. 09/685077	:	NOTICE OF INTENT TO ISSUE
Filing or 371(c) Date: 10/06/2000	:	CERTIFICATE OF CORRECTION
Attorney Docket Number: PSTM0020/MRK/STM	:	

This is a decision on the petition filed on November 15, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two thousand three hundred twenty-one (2341) days. This requested correction asserts that the Office erred in failing to assess a reduction of 23 days..

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by two thousand three hundred twenty-one (2341) days is **GRANTED to the extent indicated herein.**

Applicants aver that the Office errantly neglected to assess a reduction of 23 days in connection with the filing of a reply to a Notice to File Missing Parts of Nonprovisional Application, mailed December 13, 2000. A review of Office records confirms that this Office mailed Notice to File Missing Parts of Nonprovisional Application on December 13, 2000, and applicants filed a reply to the Notice on April 5, 2001. Pursuant to 37 CFR 1.704(b), a reduction of 23 days, beginning on the day after the date that is three months after the date of mailing of the Notice, March 14, 2001, and ending on the date the reply was filed, April 5, 2001, is appropriate.

A further review of the application history reveals that this Office errantly neglected to assess a reduction 60 days in connection with the filing of an Information Disclosure Statement ("IDS"), on February 17, 2006. Applicants filed a reply to a Restriction Requirement on December 19, 2005, along with an IDS. Thereafter applicants filed a supplemental IDS on February 17, 2006. Pursuant to 37 CFR 1.704(c)(8), a reduction of 60 days, beginning on the day after the date the initial reply was filed, December 20, 2005, and ending on the date that the supplemental reply was filed, February 17, 2006, is appropriate.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by two thousand two hundred sixty-one (2261) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,818,267 B2

DATED : October 19, 2010

INVENTOR(S) : Bilibin et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 2344 days.

Delete the phrase "by 2344 days" and insert – by 2261 days--